

## San Francisco Police Department

## INCIDENT REPORT

190421659

Report Type: Initial

I N C I D E N T	Incident Number 190-421-659	Occurrence From Date / Time 06/12/2019 03:30	Occurrence To Date / Time	Reported Date / Time 06/12/2019 03:30	CAD Number 191630372	
	Type of incident TRESPASSING 27195					
	Location of Occurrence: At Intersection with/Premise Type CASTRO ST / SUPERMARKET District MISSION					
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic (Type of Weapon Used) Violence? <input type="checkbox"/>
	Use of Force? <input type="checkbox"/>					
	Reporting Unit 3D11E					
Location Sent / On View: At Intersection with CASTRO ST Reporting District MISSION						
Crime and Clearance Status 0		Reported to Bureau	Name	Star	Date/ Time	
		Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	
Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04?						

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O F F I C I A R I A T I O N	I declare under penalty of perjury, this report of 4 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 115 CERTIFIED Post Training				
	Reporting Officer FRISK, JAMES J	Star 715	Station Mission Station	Watch 2100-0700	Date 06/12/19 05:56
	Reviewing Officer CUADRO, KEVIN V	Star 1253	Station Mission Station	Watch 2100-0700	Date 06/12/19 06:01
	OIC CUADRO, KEVIN V	Star 1253	Station Mission Station	Watch 2100-0700	Date 06/12/19 06:01
	Related Case --	Related Case --	Re-assigned to Copies to 3*300	Assigned to 3*300 Add'l Copies	Assigned by JF 715

V I C T I M	Code V 1	Name (Last, First Middle) SAFEWAY,		Alias		Email	
	Day Phone	Type	Home Address		City		State
	Night Phone	Type	Work Address		City		State
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex	Height	Weight
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject
	School (if Juvenile)	Injury/Treatment		Other Information/If Interpreter Needed Specify Language GROCERY SUPERMARKET.			
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)		Language Line Service/Interpreter ID#		Bilingual Ofc Star#

R E P O R T E E	Code R 1	Name (Last, First Middle)		Alias		Email	
	Day Phone	Type	Home Address		City CONCORD		State CA
	Night Phone	Type	Work Address		City		State
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between and	Race B	Sex F	Height 5'4	Weight 200
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject STRANGER/NONE
	School (if Juvenile)	Injury/Treatment NONE		Other Information/If Interpreter Needed Specify Language SECURITY GUARD AT SAFEWAY.			
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)		Language Line Service/Interpreter ID#		Bilingual Ofc Star#

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REPORT 2	Code R 2	Name (Last, First Middle) [REDACTED]				Alias				Email [REDACTED]			
	Day Phone [REDACTED]		Type Cell	Home Address [REDACTED]				City DALY CITY		State CA		Zip Code 94015-	
	Night Phone		Type	Work Address				City		State		Zip Code	
	DOB [REDACTED]	/ Age 36	DOB Unk. <input type="checkbox"/>	or age between and		Race H	Sex M	Height 5'9	Weight 245	Hair Color BRO	Eye Color GRE	ID Type	Jurisd. ID No. [REDACTED]
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star		Follow-up Form YES <input type="checkbox"/>		Statement YES <input checked="" type="checkbox"/>		Relationship to Subject KNOWN	
	School (if Juvenile)			Injury/Treatment NONE			Other Information/If Interpreter Needed Specify Language EMPLOYEE AT SAFEWAY.						
	Interpreter Needed <input type="checkbox"/>		Language		Language Description(if Other)			Language Line Service/Interpreter ID#			Bilingual Ofc Star#		

SUSPECT 1	Code S 1	Name (Last, First Middle) [REDACTED]				Alias				Email None				
	Day Phone (000) 000-0000		Type None	Home Address TRANSIENT				City TRANSIENT		State CA		Zip Code -		
	Night Phone		Type	Work Address				City		State		Zip Code		
	DOB Unknown <input type="checkbox"/>	Date of Birth 11/19/80	Age 38	or age between and		Race W	Sex M	Height 5'9	Weight 165	Hair Color BRO	Eye Color BRO			
	SFNO [REDACTED]	J/D# (if Juv)		ID Type/Jurisdiction/Number [REDACTED]			ID Type/Jurisdiction/Number [REDACTED]			ID Type/Jurisdiction/Number				
	Booking Charge(s)							Booking Location						
	Warrant #		Court#		Action#		Dept#		Enroute to					
	Warrant Violation(s)								Bail (\$)					
	Citation#		Violation(s)				Appear Date/time		Location of Appearance					
	<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star					
	Book/Cite Approval		Star		Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (if Juvenile)			Statement <input type="checkbox"/>		

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos

Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
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PROPERTY 1	Code/No EVD 1	Item Description CITIZEN'S ARREST				Brand SFPD		Model	
	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1499		From Where SCENE						
Additional Description/Identifying Numbers Signed by (S/1) against (R/1).									

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PROPERTY	BWC 1	Code/No			Item Description			Brand		Model	
		BWC 1			CAMERA FOOTAGE						
		Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.		Quantity	Value	
									3		
		Seized by (Star)			From Where						
		715			SCENE						
		Additional Description/Identifying Numbers									
		715, 1499, 483									

## NARRATIVE

On 06-12-2019 at approximately 0335 hours I responded to 2020 Market Street [(V/1) Safeway] regarding a mentally disturbed person inside of the store.

Upon our arrival I met with (R/1) [REDACTED] a security guard at Safeway. [REDACTED] told me the following in essence:

[REDACTED] observed a male, identified as (S/1) [REDACTED] enter the Safeway store. A staff member at Safeway informed [REDACTED] that [REDACTED] was not allowed in the store and asked [REDACTED] to inform him that he was not allowed. [REDACTED] told [REDACTED] that he had to leave. [REDACTED] began screaming and yelling and "running up" on [REDACTED] and other employees. [REDACTED] was aggressive and [REDACTED] believed that he might physically assault someone. [REDACTED] "ran up" in [REDACTED] face more than one time as [REDACTED] attempted to verbally de-escalate the situation. [REDACTED] warned [REDACTED] to back up or that she would pepper spray him. [REDACTED] did not back up and [REDACTED] believed that he might attack her or another employee. In defense of herself and the other employees [REDACTED] pepper-sprayed [REDACTED]. [REDACTED] then left the store.

I spoke with (R/2) [REDACTED], an employee at Safeway, who told me the following in essence:

[REDACTED] observed [REDACTED] walk into Safeway. [REDACTED] recognized [REDACTED] from prior contacts as a known shoplifter that was not allowed inside of the store. [REDACTED] informed [REDACTED] and [REDACTED] informed [REDACTED] that he was not allowed in the store. [REDACTED] became aggressive and began cursing. [REDACTED] became aggressive with [REDACTED] and placed himself in front of [REDACTED] and called him a "motherfucker." [REDACTED] believed that [REDACTED] might hit him and told him to back up. [REDACTED] believed that [REDACTED] might strike other employees as well. [REDACTED] did not observe [REDACTED] pepper spray Borland.

It should be noted that multiple unknown individuals at the scene stated that [REDACTED] called [REDACTED] "nigger."

Neither [REDACTED] or [REDACTED] wished to press charges against [REDACTED]

Officer Gilman #483 and Officer Sandoval #1499 spoke with [REDACTED]. [REDACTED] was treated on scene by Medic #59 for the effects of the pepper spray. [REDACTED] told Officer Gilman and Officer Sandoval the following in essence:

[REDACTED] walked into Safeway to go shopping. The staff informed him that he was not allowed inside of the store. [REDACTED] began cursing at them, including calling [REDACTED] a "bitch," which was his first amendment right. [REDACTED] then pepper-sprayed him.

[REDACTED] wished to press charges against [REDACTED]. Officer Sandoval accepted a (E/1) Citizen's Arrest for [REDACTED] against Alger.

I attempted to watch video surveillance footage of the incident but I could not locate a camera angle that recorded the incident.

Based on the totality of my investigation I determined that [REDACTED] was within her legal right to self defense and the defense of her co-workers when she pepper-sprayed [REDACTED]. I therefore did not place her under arrest for pepper-spraying Borland.

I provided Alger with a follow-up form with case number.

Officer Bortmas #1240 booked the citizen's arrest into evidence at Mission Station.

I activated my body worn camera during this investigation. All (BWC/1) camera footage was later uploaded to evidence.com.